

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.06 C, Closed Area No. 23, Boothbay Harbor, Damariscove Island Area, promulgated on August 27, 1999, is repealed and replaced with the following rule:

TEXT OF RULE: 95.06 C, Closed Area No. 23, Boothbay Harbor, Damariscove Island Area

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Boothbay Harbor - Damariscove Island area north of a line beginning at the southwest tip of Southport Island and extending south to the west side of Hunting Island; continuing southeast to the south end of Cape Island; continuing northeast to the southeast tip of Squirrel Island; continuing northeast to the south tip of Green Island; continuing northeast to Dry Point on Reeds Island; AND east of a line beginning at the north end of Landing Point Road, Southport, and extending north to Oak Point, Boothbay Harbor; AND south of a line beginning at a red painted post located approximately 1500 ft. northeast of Oak Point, on the west shore of Hodgdon Cove, and extending southeast across the mouth of the cove to a red painted post located on the opposite shore.
2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Boothbay Harbor - Damariscove Island area within 500 feet of Fisherman's Island and Damariscove Island.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: September 14, 2004

AGENCY CONTACT PERSON: Amy M. Fitzpatrick
Department of Marine Resources
194 McKown Point Road
West Boothbay Harbor, ME 04575

TIMES RECORD
September 17, 2004

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.06 C, Closed Area No. 23, Boothbay Harbor - Damariscove Island Area, promulgated on August 27, 1999, and replaces it with a new one. This new regulation redescribes the two closures. This is an administrative change.

DMR personnel have determined that the closed areas are subject to biological pollution, which poses a threat to public health.



DAVID ETNIER
DEPUTY COMMISSIONER

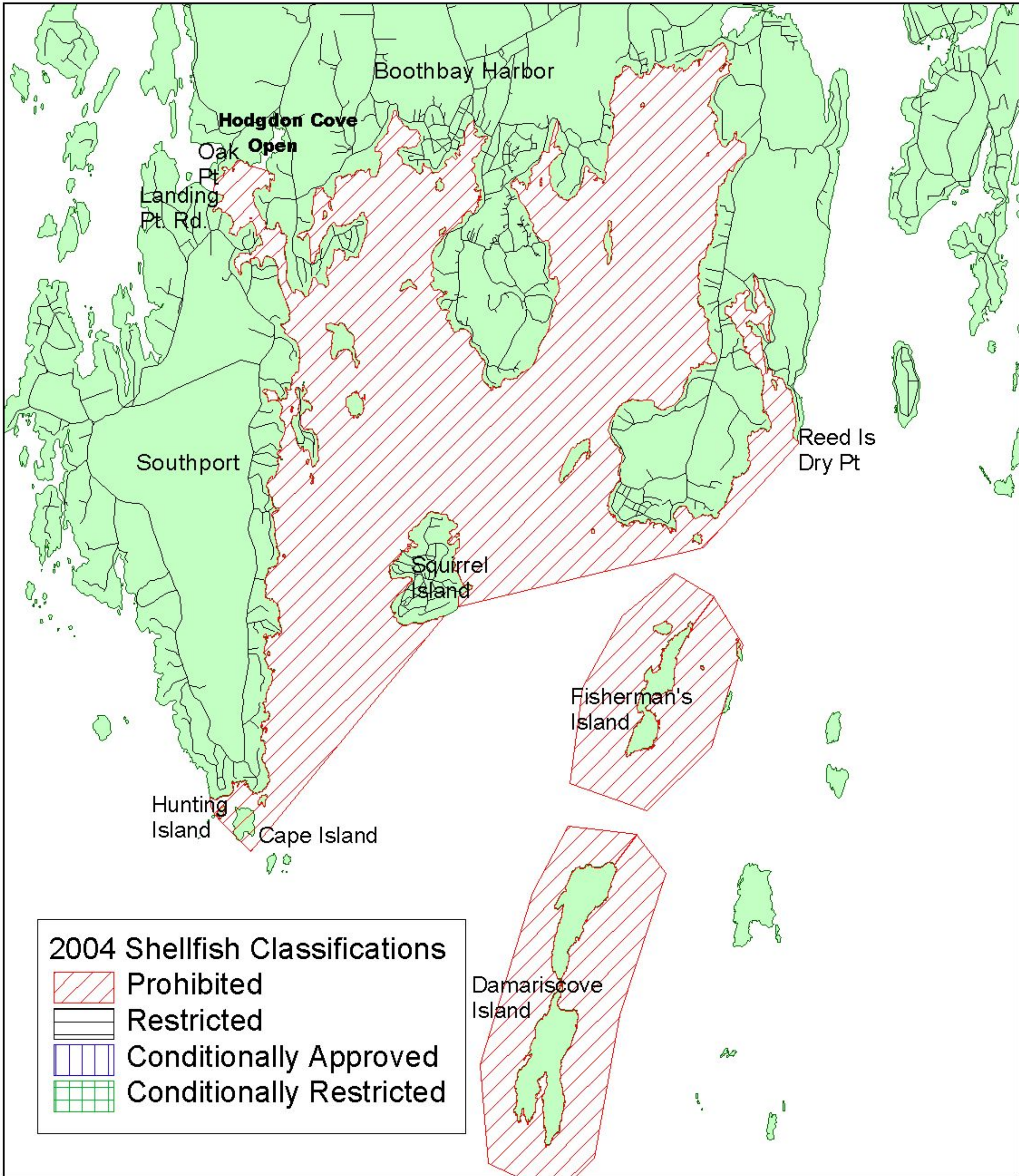


Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

C23 Boothbay Harbor

9/14/04



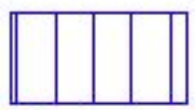
2004 Shellfish Classifications



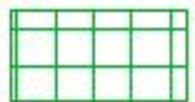
Prohibited



Restricted



Conditionally Approved



Conditionally Restricted

0.9 0 0.9 1.8 Miles